

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code sections 239B.4(6) and 249A.4, the Department of Human Services amends Chapter 40, “Application for Aid,” Chapter 41, “Granting Assistance,” Chapter 43, “Alternate Payees,” Chapter 45, “Payment,” Chapter 46, “Overpayment Recovery,” Chapter 75, “Conditions of Eligibility,” and Chapter 76, “Application and Investigation,” Iowa Administrative Code.

These amendments:

- Specify that for Medicaid and the Family Investment Program (FIP), when both parents or a parent and a stepparent are in the home, either one may sign the application, the review forms, and the statement of citizenship form and attest to the information for the entire household. Currently, both are required to sign.
- Remove the requirement that the Medicaid or FIP applicant or participant sign Form 470-0169, Requirements of Support Enforcement. Because this is not an eligibility requirement and there has been no penalty for failing to sign the form, the requirement is unnecessary.
- Remove obsolete retrospective budgeting terms.
- Change the terms “county office” and “local office” to “department” or “income maintenance unit” to coordinate with implementation of the Income Maintenance Customer Call Center.
- Change the term “Medicaid recipient” to “Medicaid member” to reflect the philosophy of the Iowa Medicaid Enterprise.

These changes eliminate unnecessary paperwork and reduce delays in determining eligibility for Medicaid and FIP. They also align procedures across programs, as Food Assistance already allows one adult to sign forms and attest to information for the entire household. Requiring two signatures is unnecessary and is impracticable for applications completed and submitted electronically.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on August 27, 2008, as **ARC 7110B**. The Department received no comments on the Notice of Intended Action.

The Department has made several changes to the amendments as published under Notice of Intended Action.

- All proposed amendments striking references to the Combined PAER/FAIR form have been removed, because the data processing system changes to implement that change have been delayed. This change affects paragraph 40.22(5)“c,” subrule 40.24(3), subrule 40.27(1), introductory paragraph and paragraph “b,” subrule 40.27(3), paragraph 40.27(4)“b,” subparagraph 41.27(9)“b”(1), and the definition of “procedural error” in rule 441—46.21(239B). Those amendments have been added to **ARC 7267B**, a Notice of Intended Action which was published on October 8, 2008.

- Subparagraph 41.27(9)“b”(2) is amended to change a reference to “the local office” to “the department.”

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted these amendments on October 8, 2008.

The Department finds that these amendments confer a benefit on FIP participants by reducing paperwork, confusion about reporting requirements, and delays in determining continuing eligibility. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of these amendments is waived.

These amendments are intended to implement Iowa Code chapters 239B and 249A.

These amendments became effective on November 1, 2008.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to chs 40, 41, 43, 45, 46, 75, 76] is being omitted. Except for the changes noted above, these amendments are identical to those published under Notice as **ARC 7110B**, IAB 8/27/08.

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[For replacement pages for IAC, see IAC Supplement 11/5/08.]